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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ERIC LEE H.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:18-CV-03181-RHW

**ORDER GRANTING PARTIES'  
STIPULATED MOTION FOR  
REMAND**

Before the Court is the parties' Stipulated Motion for Remand. **ECF No. 20.**

The Commissioner of Social Security denied Plaintiff's application for Disability

Insurance Benefits under Title II of the Social Security Act, 42 U.S.C. § 401-434,

and his application for Supplemental Security Income under Title XVI of the Act,

42 U.S.C. §1381-1383F. AR 1-7, 43, 61. Plaintiff brought this action seeking

judicial review of the Commissioner's final decision. ECF No. 5. The parties now

jointly move the Court to reverse and remand for further administrative

proceedings. ECF No. 20. Based on the agreement of the parties and the record, the

Court finds good cause to **GRANT** their motion.

**ORDER GRANTING PARTIES' STIPULATED MOTION FOR REMAND**

1 The Commissioner's decision to deny Plaintiff's applications for Social  
2 Security benefits is **REVERSED** and **REMANDED** for further proceedings  
3 pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative  
4 Law Judge (ALJ) will:

- 5 • conduct a new hearing, further develop the record as necessary and  
6 issue a new decision;
- 7 • evaluate the new evidence submitted to the Appeals Council regarding  
8 myasthenia;
- 9 • reevaluate and further develop the other medical evidence or record;
- 10 • reevaluate steps two and three of the sequential evaluation process;
- 11 • reevaluate Plaintiff's credibility;
- 12 • reevaluate Plaintiff's Residual Functional Capacity (RFC) pursuant to  
13 SSR 96-8p; and
- 14 • reevaluate steps four and five of the sequential evaluation process  
15 with the assistance of a vocational expert, as necessary.

16 *See* ECF No. 20 at 2.

17 The parties also note that Plaintiff may apply for costs and attorney's fees  
18 under the Equal Access to Justice Act, 28 U.S.C. § 2412, and ask the Court to  
19 consider such an application upon proper request. *Id.*

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**ORDER GRANTING PARTIES' STIPULATED MOTION FOR REMAND**

Accordingly, IT IS HEREBY ORDERED:

1. The parties' Stipulated Motion for Remand, **ECF No. 20**, is **GRANTED**.
2. The Commissioner's decision is **REVERSED** and this matter is **EMANDED** for further administrative proceedings consistent with this order.
3. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is now moot.
4. The Court will consider an application from Plaintiff for costs and attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request.
5. The District Court Executive shall enter judgment for the Plaintiff and against Defendant.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, forward copies to counsel, and **close the file**.

**DATED** this 3rd day of June, 2019.

*s/Robert H. Whaley*  
ROBERT H. WHALEY  
Senior United States District Judge